

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Latoya Rivers, o/b/o Tacharia Rivers,)	Civil Action No. 0:12-2876-CMC-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, ¹)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

The Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, by her undersigned attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and R. Emery Clark, Assistant United States Attorney, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. Upon remand, Appeals Council will remand the case to an ALJ with instructions to update the medical record; reassess the opinions provided by Plaintiff's teachers concerning Plaintiff's limitations; reassess the opinions provided by the state agency doctors concerning Plaintiff's limitations; accurately characterize the remaining evidence in the record; give Plaintiff an opportunity for a new hearing, and issue a new decision.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C.

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. Pursuant to the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), no further action need be taken to continue this suit.

§ 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, with consent of the Plaintiff, this court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.² *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

IT IS SO ORDERED.

S/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 17, 2013

² The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.